

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

3 BRIAN J. STRETCH (CSBN 163173)
4 Chief, Criminal Division

5 SUSAN KNIGHT (CSBN 209013)
6 Assistant United States Attorney

7 150 Almaden Blvd., Suite 900
8 San Jose, California 95113
9 Telephone: (408) 535-5056
10 FAX: (408) 535-5066
11 Susan.Knight@usdoj.gov

12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 Filed
17 JUL 21 2010
18 RICHARD W. WIEKING
19 CLERK, U.S. DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN JOSE

13	UNITED STATES OF AMERICA,)	No. 5-99-213 EAI
14	Plaintiff,)	APPLICATION AND [PROPOSED]
15	v.)	ORDER DISMISSING CRIMINAL
16	CARLOS YAIR MARTINEZ,)	COMPLAINT TO DISMISS CRIMINAL
17	Defendant.)	COMPLAINT
18)	SAN JOSE VENUE

19 The United States, through undersigned counsel, respectfully requests that the Court dismiss
20 the above-captioned criminal complaint. On July 23, 1999, a complaint charging the defendant
21 with Unlawful Flight to Avoid Prosecution, in violation of Title 18, United States Code, Section
22 1073, was signed by Magistrate Judge Edward A. Infante. The complaint alleged that the
23 defendant, who was wanted on a state warrant issued on June 24, 1999 by Superior Court of
24 Santa Clara County for murder, had fled to avoid apprehension by law enforcement. The Federal
25 Bureau of the Investigation learned that the defendant was in Mexico, and he was subsequently
26 arrested by Mexican authorities on September 1, 1999. The defendant was then immediately
27 deported to the United States and booked into Miami-Dade County Jail. He waived extradition
28 to the State of California to face murder charges. Due to an oversight, the criminal complaint

CWS

1 was never dismissed. Therefore, the government requests that the Court dismiss the criminal
2 complaint and recall the arrest warrant.

3 Respectfully submitted,

4 JOSEPH P. RUSSONIELLO
5 United States Attorney

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7 DATED: 7/21/10

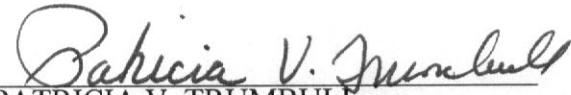

8 SUSAN KNIGHT
9 Assistant United States Attorney

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11 ORDER

12 Accordingly, for good cause shown, the Court HEREBY ORDERS that the above-captioned
13 criminal complaint is dismissed and the arrest warrant recalled.

14 SO ORDERED.

15 DATED: 7/21/10


16 PATRICIA V. TRUMBULL
17 United States Magistrate Judge